

Telex sent by Frederick Dulles to PM affiliates, 5.12.84

Barclay - Switzerland

It has been reported in the Swiss press that the Swiss Federal Office of Public Health (SFOPH) has sent a "recommendation" to BAT to the effect that two numbers should be printed on packs of Barclay cigarettes for both tar and nicotine. One number would result from testing according to ISO method 3308 and the other from testing with all ventilation blocked.

We do not yet have any official document as to this action by the Swiss authorities, and for the moment we (the four Swiss manufacturers who are plaintiffs against BAT) are not making any public comment on this news.

This is the latest development in several weeks of exchanges with the Swiss Federal authorities.

- (1) The Working Group of experts (also incorrectly referred to as the Federal commission) appointed by the SFOPH did not reach any conclusion or agreement during its November 20th meeting on an acceptable method for testing ventilated cigarettes.
- (2) Maître Junod, the plaintiffs' Geneva attorney, wrote letters to the SFOPH objecting to its (Dr. Siegwart's) decision to allow Barclay to be sold in Switzerland without any tar and nicotine numbers as clearly against the law.
- (3) The Head of Legal Service of the SFOPH told the press that the Legal Service had not been consulted about this decision and that it was legally unfounded.

We will keep you informed as to further developments.

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